

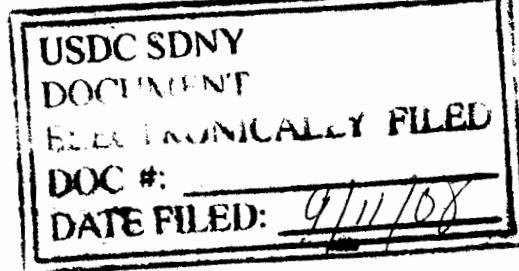
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September 11, 2008

VIA FACSIMILE (212) 805-7932

The Honorable Theodore H. Katz
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St., Room 2230
New York, NY 10007



Re: Civil Action No. 07-CIV-8822(HB); *Arista Records LLC, et al. v. Usenet.com, Inc.*

Dear Judge Katz:

You may have heard in the news about Hurricane *Ike*, which is likely to make landfall tomorrow near Houston, Texas. Winds at landfall may well exceed 120 mph, and Houston will be in the northeast quadrant of the Hurricane. Similar, past experiences tells us that this will lead to significant flooding and power and communication outages, and that these conditions will persist for many days as repairs are made. Such conditions will, of course, adversely affect our ability to conduct work in the referenced case, or in any other case.

In view of these circumstances, Plaintiffs agreed to Defendant's request that the due date for Defendant's response to Plaintiffs' Motion for Sanctions, which is pending, will be extended from September 22, 2008, until September 29. Since the parties have a full week of depositions in this case scheduled the week of September 29, during which Plaintiffs will need to prepare the reply under the revised schedule, Defendant agreed that the due date for Plaintiff's reply will be October 6, 2008. We hope that the court has no objection to this modified briefing schedule to which the parties have agreed.

Please let me know if you need any additional information, and thank you for your attention to this matter.

Very truly yours,

Charles S. Baker

CSB:jkn
SO ORDERED
Duane Pozza (via email)
Gianni P. Seryodidio (via email)
[Signature]
THEODORE H. KATZ
UNITED STATES MAGISTRATE JUDGE

The response to the motion will be filed by September 29, 2008. Any reply shall be filed by October 6, 2008.
9/11/08